HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 12557 of 2007

Dated 25th June 2007

Between:

Namala Appala Narasamma.

…Petitioner

and

The sub-registrar and another.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 12557 of 2007

O R D E R:

Petitioner claims to be the owner of land admeasuring Ac.2.91 cents in Survey No.275/1D of Adavivaram Village, Visakhapatnam District. He intended to sell the same to third parties. For that purpose, he is alleged to have approached the first respondent, with a request to furnish the particulars as to market value, stamp duty, registration charges etc. The grievance of the petitioner is that the first respondent is not furnishing any such information, much less receiving the document, on the ground that he has received oral instructions from the superior authorities, not to furnish any information in relation to the land in the said Survey Number or to entertain any document. He seeks appropriate directions,

in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The first respondent is in custody of the basic value register and other relevant information in respect of the immovable properties within his jurisdiction. His Office is under obligation to furnish the necessary information and to receive the documents, whenever presented. It is only at the time of admitting the document for registration, that necessary verification has to be made viz., whether the registration of such document is prohibited by Section 22-A of the Registration Act, as amended through Act 19 of 2007, or Section 5 of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977. In case, it emerges that the document cannot be registered, the registering authority has to inform the same in writing to the persons, who have presented the document. However, he cannot refuse to furnish the information or to receive the documents. Such a course would negate the very obligation created under the relevant enactments.

For the foregoing reasons, the Writ petition is disposed of, directing that -

a) the first respondent shall furnish such information, as the petitioner may require, and

receive the document, that may be presented by the petitioner, in relation to the property claimed to be under his ownership;

b) in case, the first respondent finds that the document presented by the petitioner cannot be admitted to registration, he shall furnish the reasons therefor, in writing, to the petitioner, within seven (7) days from the date of presentation of the document.

There shall be no order as to costs.

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25.06.2007

Note: Issue C.C. in three (3) days.

(B/o)

JSU